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OFFICE OF PETITIONS

In re Application of :
Mendenhall and Taylor :
Application No. 10/704,499 : **DECISION GRANTING PETITION**
Filed: November 7, 2003 :
Attorney Docket No. AAI-14306 :

This is a decision on the petition filed August 17, 2004, requesting that the above-identified application be accorded a filing date of November 7, 2003, with 22 pages of the specification, 7 pages of claims, 1 page of abstract, 1 sheet of drawings, and 2 pages of the declaration as part of the original disclosure.

On November 7, 2003, the above-identified application was filed. On June 17, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because the specification, claims, drawings were not found with the application papers. The Notice also indicated that the oath or declaration was missing. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on August 17, 2004, applicant filed the present petition, a copy of the complete application papers, and a copy of the Office date-stamped postcard receipt acknowledging receiving 22 pages of the specification, 7 pages of claims, 1 page of abstract, 1 sheet of drawings, and 2 pages of the declaration, along with other items on November 7, 2003.

Upon review of the record, the alleged missing items were not located among the original application papers. The evidence is convincing, however, that the specification, abstract, claims, drawings, and declaration accompanied the original application papers. Therefore, the application, 22 pages of the specification, 7 pages of claims, 1 page of abstract, 1 sheet of drawings, and 2 pages of the declaration was complete on filing and entitled to a filing date of November 7, 2003.

Accordingly, the petition is granted. The petition fee of \$130.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of November 7, 2003, using the 22 pages of the specification, 7 pages of claims, 1 page of abstract, 1 sheet of drawings, and 2 pages of the declaration filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petition